

Senate File 2235

S-5101

1 Amend Senate File 2235 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 216A.105 Deliverable
5 fuels — mandatory delivery — penalties and remedies.

6 1. A deliverable fuel vendor engaged in the
7 business of providing deliverable fuel to customers in
8 this state shall not withhold the sale or delivery of
9 deliverable fuel to a customer from November 1 through
10 April 1 annually if either of the following apply:

11 a. The customer documents that they are able to
12 make a cash payment in an amount corresponding to
13 the current statewide average delivery order price
14 per gallon for the deliverable fuel, as determined by
15 the office of energy independence, multiplied by two
16 hundred fifty.

17 b. The customer is certified as eligible for the
18 federal low-income home energy assistance program.

19 2. A deliverable fuel vendor is not prohibited from
20 withholding the sale or delivery of deliverable fuel
21 to a customer who is certified as eligible for the
22 federal low-income home energy assistance program and
23 has received the maximum amount of annual assistance
24 pursuant to the program, and who cannot otherwise
25 document the ability to make a cash payment for
26 deliverable fuel pursuant to subsection 1, paragraph
27 "a".

28 3. A deliverable fuel vendor providing deliverable
29 fuel to a customer described in subsection 1, paragraph
30 "a", may apply the customer's cash payment as follows:

31 a. Seventy-five percent toward the current
32 deliverable fuel sale or delivery.

33 b. Twenty-five percent toward any unpaid balance.

34 4. a. A customer shall be responsible for the
35 reasonable cost of system safety checks conducted
36 by a deliverable fuel vendor, unless the customer
37 is certified as eligible for the federal low-income
38 home energy assistance program and the cost is paid
39 for with program funds. System safety check payments
40 shall be in addition to, and shall not reduce, the
41 cash payment otherwise available for deliverable fuel
42 sale or delivery pursuant to subsection 1, paragraph
43 "a". A deliverable fuel vendor of propane conducting a
44 system safety check shall inform customers certified
45 as eligible for the low-income home energy assistance
46 program of the existence of programs and projects
47 developed by the Iowa propane education and research
48 council to provide assistance to persons certified as
49 eligible for the program, if applicable based upon the
50 results of the safety check. A deliverable fuel vendor

1 shall not be required to make or complete a delivery
2 of deliverable fuel if a system safety check reveals
3 mechanical problems or defects with the system which
4 constitute a safety hazard or concern.
5 **b.** A customer shall be responsible for the
6 reasonable cost of delivering the deliverable fuel to
7 the customer, as determined by the deliverable fuel
8 vendor, unless the customer is certified as eligible
9 for the federal low-income home energy assistance
10 program and the cost is paid for with program funds.
11 Delivery fees or charges shall be in addition to, and
12 shall not reduce, the cash payment otherwise available
13 for deliverable fuel sale or delivery pursuant to
14 subsection 1, paragraph "a".
15 **5.** The division shall adopt rules specifying
16 procedures to implement the requirements of this
17 section.
18 **6.** A violation of this section is an unlawful
19 practice pursuant to section 714.16 and a prohibited
20 practice pursuant to chapter 714H.
21 **7.** For the purposes of this section, unless the
22 context otherwise requires:
23 **a.** "*Customer*" means an existing customer of a
24 deliverable fuel vendor or a prospective customer
25 who submits an application or otherwise applies for
26 the purchase or delivery of deliverable fuel from a
27 deliverable fuel vendor serving the general geographic
28 area or vicinity where the fuel will be delivered.
29 **b.** "*Deliverable fuel*" means propane or any other
30 heating fuel sold or delivered in this state for home
31 heating purposes.
32 **c.** "*Deliverable fuel vendor*" means a retail propane
33 marketer or a retail dispenser or marketer of a
34 deliverable fuel other than propane.
35 **d.** "*Propane*" and "*retail propane marketer*" mean the
36 same as defined in section 101C.2.>
37 **2.** Title page, line 2, after <circumstances,> by
38 inserting <providing penalties,>
39 **3.** By renumbering as necessary.

STEVEN SODDERS